

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD METZLER,

Plaintiff,

V.

XPO LOGISTICS, INC. and
BRADLEY S. JACOBS,

Defendants.

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CASE NO. 4:13cv278
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 18, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Rule 12(b) Motion to Dismiss Richard Metzler's Amended Complaint, Rule 12(f) Motion to Strike Jury Demand and Certain Allegations [Doc. #17] be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendant's Rule 12(b) Motion to Dismiss Richard Metzler's Amended Complaint, Rule 12(f) Motion to Strike Jury Demand and Certain Allegations [Doc. #17] is **GRANTED** in part and Plaintiff's request for declaratory judgment is **DISMISSED** without prejudice. The remainder of the motion is **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **November, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge